

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|-------------------------------------|---|------------------|
| ROBERT D. GARVIN,                   | : | CIVIL ACTION     |
| Plaintiff,                          | : |                  |
|                                     | : |                  |
| v.                                  | : | No. 5:08-cv-3758 |
|                                     | : |                  |
| PROGRESSIVE CASUALTY INSURANCE CO., | : |                  |
| Defendant.                          | : |                  |
|                                     | : |                  |

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**ORDER**

**AND NOW**, this 10<sup>th</sup> day of May, 2010, upon consideration of Defendant's Motion for Summary Judgment (doc. no. 35), Plaintiff's response in opposition (doc. no. 40), Defendant's reply (doc. no. 46), after oral argument, and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that Defendant's motion is **GRANTED**. Judgment is entered in favor of Defendant, Progressive Casualty Insurance Co., and against Plaintiff, Robert D. Garvin. The Clerk of Court is directed to mark this case closed.

**BY THE COURT:**

Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**